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EXAMINER

SWARTHOUT, BRENT

ART UNIT PAPER NUMBER

2612

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/649,267
Filing Date: August 27, 2003
Appellant(s): FLICK, KENNETH E.

Paul J. Ditmyer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 11, 2006 appealing from the Office action mailed April 10, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application 10/626,969 will have an Examiner's Answer forwarded to the Board of Appeals on nearly identical issues to the present appeal, and a defective appeal notice has been issued for Serial Number 10/648,931, which also has very similar issues.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5216407	Hwang	6-1993
5245694	Zwern	9-1993
5469298	Suman et al.	11-1995
5315285	Nykerk	5-1994
6005478	Boreham et al.	12-1999
5084697	Hwang	1-1992
5990786	Issa et al.	11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4,5,6,9,17,20-22,25-27,31-32,35-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern and either Suman et al. or Nykerk or Boreham et al.

Hwang teaches a prealarm warning system comprising prealarm sensor (port b, Fig.1) for sensing low level security alert and prealarm emulator 102 for generating a signal on data communication line to alarm controller 103 to cause alert indicator 105 to generate a prealarm different than a full alarm (col.1, line 65- col.2, line 15), except for specifically stating that communications are carried

out using a data bus “extending throughout the vehicle”, or that components of the system are placed in a housing. It is noted that the term “extending throughout the vehicle” has support in the specification only to the extent that the bus is interconnected to various components that are throughout the vehicle, the specification being silent as to any specific physical location that the actual bus extends.

Zwern discloses an alarm system add on system wherein an alarm system is placed in housing 12 (Fig. 2).

Although Hwang does not specifically state that data communication line between emulator 102 and alarm controller 103 is a bus, use of such would have been obvious to one of ordinary skill in the vehicle security communication art, since a bus is a well-known type of communication line in vehicle security communication systems.

Furthermore, Suman teaches desirability of using data bus 111 for communicating data for indication of vehicle security (col.9, line 10), whereby the data bus 111 extends throughout the vehicle from data interface 100 to conductor 129 (Fig. 6A), and interfaces with plural vehicle systems 101-110 throughout the vehicle, including a security system tamper sensor 105.

Also, Nykerk teaches desirability in a vehicle security system of interfacing security alarm sensing data to data bus 64, which extends throughout vehicle, at least to the extent of control module 57 (Fig. 4), via processor 60, the data bus 64 also being connected to other vehicle systems (Fig.4).

It is noted that since appellant's claims do not provide specific limitations regarding the physical extent of the term "throughout the vehicle", both data bus's in Suman and Nykerk satisfy the broad limitation of a data bus extending throughout a vehicle.

Furthermore, since Suman teaches communication through data bus 111 via interface 100 and wiring 73a to vehicle components 101-110 which are dispersed throughout the vehicle, the bus is essentially extending throughout the vehicle since its communication signals are being delivered to wiring harness 73a, which in effect is acting as a portion of the bus.

The same can be said for Nykerk, in that data bus 64 via interface 88 and electrical harness 30 communicates with vehicle components, essentially making the harness 30 part of the communications bus.

Also, Boreham further discloses desirability in a vehicle alarm system of using data bus with addressing to provide alarm data to activate a pre-alarm or loud alarm upon a sensed security condition (col.3, lines 25-30; col.4, lines 43-48; col.6, lines 18-27). Boreham specifically states that vehicle security control unit **can address devices other than the siren unit 2 on a single serial data bus** (col. 6, lines 21-22), as shown via line 10 (Fig. 1).

It would have been obvious to connect a prealarm warning system as disclosed by Hwang and provide a housing as suggested by Zwern, to communicate signals over a vehicle data bus as suggested by Suman ,Nykerk, or Boreham, Boreham additionally teaching that bus can extend throughout the

vehicle to the instrument panel (Boreham- col. 7, lines 18-20) and ignition line (Boreham- col. 7, lines 53-56), in order to take advantage of wiring already existing in a vehicle without having to add supplemental wiring to communicate sensed data in a vehicle alarm system, and to allow communication with specific vehicle systems which have individual addresses (col.5, line 17), and to provide protection for sensitive system components from environmental and mechanical elements.

One of ordinary skill in the art would have found it obvious to use the data bus systems extending throughout the vehicle as disclosed by Suman, Nykerk or Boreham to communicate with a prealarm device as disclosed by Hwang in a vehicle that was already equipped with wiring harnesses to vehicle components, while recognizing the advantages of using a data bus system such as disclosed by Boreham and well-known in the art in newer vehicle applications, in conjunction with a prealarm system, in order to allow addressing of individual components to enable bi-directional communication and to save on wiring costs by not having to use harnesses where a data bus already existed.

Regarding claim 4, Hwang teaches use of sensor b for detecting high security alarm conditions (col.2, lines 5-15).

Regarding claims 5-6, Zwern discloses desirability of indicating confirmation of switching between alarm armed and disarmed modes by LED indications 56,58. Since alarms will only be generated when in

armed mode, some type of communication signal over communication lines would have been inherent in order to control operation of the system.

Regarding claim 9, Hwang teaches use of siren 105.

Regarding claim 39, Zwern teaches desirability of using both shock and motion sensors in a vehicle security system (col. 9, lines 50-52).

Regarding claim 41, Zwern teaches indicator carried on housing (Fig. 2).

Claims 2,10,12,13,16,18,28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern and either Suman et al.(298), Nykerk or Boreham et al., and further in view of Hwang (697).

Hwang (697) discloses desirability of making a pre-warn alert shorter than a high level alert (col.2, lines 29-38).

It would have been obvious to use a short pre-warn alert in conjunction with a system as disclosed by Hwang (407), Zwern and either Suman, Nykerk or Boreham in order to notify parties that a vehicle was alarmed while still minimizing nuisance alerts of long duration.

Claims 3,8,19,24,29,30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern and either Suman et al.(298), Nykerk or Boreham et al., and further in view of Issa et al.

Issa teaches desirability of using pre-warn alerts of lesser intensity than alarms for high levels of concern (col.3, lines 19-35,65-67).

It would have been obvious to use a lower volume alert for less hazardous conditions as suggested by Issa in conjunction with an alarm system as disclosed by Hwang (407), Zwern, and either Suman, Nykerk or Boreham in order to let a bystander know how serious an alert condition was.

Regarding claim 8, Issa teaches use of a two zone shock sensor, one zone for light touches and a second zone for heavy impacts (col.3, lines 20-25, 65-67).

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern, either Suman et al.(298), Nykerk or Boreham et al. and further in view of Hwang (697) and Issa et al.

Claims are rejected for the same reasons as set forth previously with regard to claims 1-3.

(10) Response to Argument

Regarding appellant's remarks filed with the appeal brief, on pages 8-9 it is stated that data bus means as disclosed by Suman and Nykerk do not extend throughout the vehicle.

For the reasons as set forth above in the statement of the rejection, both Suman and Nykerk disclose data bus means which extend throughout a vehicle between points of connection, such as an interface means and a conductor (Suman) or a microprocessor 60 and interface 88 (Nykerk). Thus, both satisfy the limitation of use of a data bus extending throughout a vehicle in

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communication with a vehicle alarm system. Use with a prealarm system as suggested by Hwang would have been obvious to one of ordinary skill in the art in order to give a vehicle occupant advanced notice that an alert was to be generated, in order that steps could be taken to prevent generation of a full-fledged alarm, thus preventing nuisance alerts when an authorized occupant was present, in a system that also took advantage of a data bus, allowing bidirectional communication to allow monitoring or control of vehicle components.

Regarding remarks on page 11 of the brief, it was not the intent of the Office action to imply that the actual data bus connections of either Suman, Nykerk or Boreham be physically incorporated into the system of Hwang as suggested by appellant. Rather, one of ordinary skill in the art would have found it obvious to use a conventional data bus connected to a vehicle alarm system as suggested by Suman, Nykerk or Boreham in conjunction with a vehicle alarm system that including a prealarm function as well as main alarm as disclosed by Hwang, in order to allow a vehicle occupant or nearby observer to be given the opportunity to disarm a main alarm once a prealarm condition was indicated in order to avoid nuisance alerts, while also enjoying the well-known advantages of a data bus, namely bidirectional communication to components from a controller to allow monitoring and control of vehicle components.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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Primary Examiner

Art Unit 2612

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